THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.24818 of 2000

Date: 08-02-2007.

Between :

M/s.Sterlite Industries (India) Limited, Mumbai, rep. by its Dy. General Manager (Corporate Affairs).

.....Petitioner

And

The Chief Engineer (Transmission) APTRANSCO, Hyderabad & others.

.....Respondents.

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

A letter was written by Commercial Tax Officer, Barkatpura Circle, Hyderabad to M/s.Power Finance Corporation Limited, Kachiguda-the 2nd respondent, which became subject matter of this writ petition. The 2nd respondent was informed that M/s.Karuna Cables Limited-the 4th respondent, were in arrears of Rs.31,62,511-00 till October 1998 as they were supplying material to APSEB, TNEB and MSEB, and therefore, they were informed that they should make deductions of sales tax while making the payments in terms of Section 17(1) of A.P.General Sales Tax Act, 1957.

When this writ petition was filed, this Court passed certain interim orders and the effect of such interim orders was that the bills were paid to

the petitioner. However, an amount of rupees thirty six lakhs was retained in a fixed deposit.

Mainly there are disputes between petitioner and 4th respondent about who is liable to pay the tax and in this writ petition, it is not possible for this Court to resolve such disputes. Since the amount has already been kept in a fixed deposit, we feel the writ petition can be disposed of by directing the Commercial Tax Officer to hear both the parties and decide all the issues and pass appropriate orders in accordance with law. Till the Commercial Tax Officer passes orders, the interim direction granted by this Court with respect to deposit of rupees thirty six lakhs shall remain operative. All other disputes between respondent No.4 and the petitioner as regards the liability to pay tax, shall also be resolved by the Commercial Tax Officer.

Writ petition is accordingly disposed of.

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BILAL NAZKI, J

8th February 2007.

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ajr NOOTY

RAMAMOHANA RAO, J